

ESTTA Tracking number: **ESTTA570345**

Filing date: **11/12/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Altadis U.S.A. Inc.
Granted to Date of previous extension	11/10/2013
Address	5900 North Andrews Avenue Fort Lauderdale, FL 33309 UNITED STATES
Attorney information	Charles W. Grimes, Russell D. Dize GRIMES LLC 488 Main Avenue Norwalk, CT 06851 UNITED STATES dize@gandb.com Phone:203-849-8300

**Applicant Information**

Application No	85780501	Publication date	05/14/2013
Opposition Filing Date	11/12/2013	Opposition Period Ends	11/10/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	Vapelux Ltd. Ocean House Bentley Way New Barnet, GB3 EN55FP GB2		

**Goods/Services Affected by Opposition**

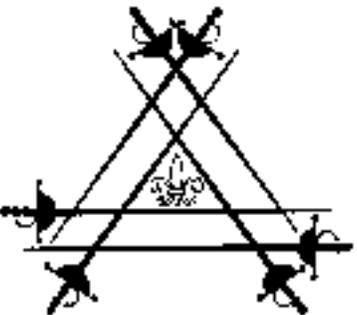
<p>Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Paper packaging containers and cartons for cigarettes and cigarette accessories; cigarette carrying cases made of paper and cardboard; manuals and instructional pamphlets in the field of smoking</p>
<p>Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Electronic cigarettes, electronic cigars, electronic smoking pipes, electronic hookahs; electronic cigarette atomizers, electronic cigarette cartomizers, electronic cigarette clear cartomizers; replaceable electronic cigarette cartridges sold empty; cigar and cigarette boxes not made of precious metal; cigarette lighters not made of precious metal; matches</p>
<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Retail services, namely, on-line retail stores and retail stores featuring electronic cigarettes and accessories therefor; customer loyalty services and customer club services for commercial, promotional and advertising purposes</p>

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	332324	Application Date	08/22/1935
Registration Date	02/11/1936	Foreign Priority Date	NONE
Word Mark	MONTE CRISTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1935/07/25 First Use In Commerce: 1935/07/25 CIGARS, CIGARETTES, AND CUT TOBACCO		

U.S. Registration No.	1459466	Application Date	02/05/1987
Registration Date	09/29/1987	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1935/07/25 First Use In Commerce: 1935/07/25 CIGARS		

U.S. Registration No.	3805893	Application Date	07/31/2009
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Registration Date	06/22/2010	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a design of a fleur de lis.		
Goods/Services	Class 034. First use: First Use: 1935/07/25 First Use In Commerce: 1935/07/25 Cigars, little cigars, roll-your-own tobacco, pipe tobacco, smokeless tobacco, ashtrays, cigar boxes, cigar cutters, cigar cases, cigar holders, lighters for smokers, tobacco pipes, tobacco pouches, tobacco tins, match boxes and cigar tubes		

U.S. Registration No.	1173547	Application Date	02/27/1978
Registration Date	10/13/1981	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1935/07/25 First Use In Commerce: 1935/07/25 Cigars		

U.S. Registration No.	2396980	Application Date	12/10/1998
Registration Date	10/24/2000	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark	<p style="text-align: center;"><b>MONTECRISTO</b></p>		
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 HAT ORNAMENTS NOT OF PRECIOUS METAL		

	Class 034. First use: First Use: 1997/08/00 First Use In Commerce: 1997/08/00 ASHTRAYS NOT OF PRECIOUS METAL Class 036. First use: First Use: 1997/09/00 First Use In Commerce: 1997/09/00 CREDIT CARD SERVICES
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U.S. Registration No.	2623858	Application Date	03/05/2001
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark	<b>MONTECRISTO</b>		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2000/10/31 First Use In Commerce: 2000/10/31 cocktail lounge, bar and restaurant services; night clubs		

U.S. Registration No.	2236889	Application Date	03/03/1992
Registration Date	04/06/1999	Foreign Priority Date	NONE
Word Mark	MONTE CRISTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1998/05/14 First Use In Commerce: 1998/05/14 Cologne, after-shave lotion Class 014. First use: First Use: 1998/05/14 First Use In Commerce: 1998/05/14 Cuff links Class 018. First use: First Use: 1998/05/14 First Use In Commerce: 1998/05/14 Wallets Class 025. First use: First Use: 1998/02/18 First Use In Commerce: 1998/02/18 Bathrobes, scarves, headwear		

U.S. Registration No.	2594564	Application Date	04/14/1998
Registration Date	07/16/2002	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2002/02/01 First Use In Commerce: 2002/02/01 ALCOHOLIC BEVERAGES		

U.S. Registration	2855557	Application Date	07/03/2002
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No.			
Registration Date	06/22/2004	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark	<b>MONTECRISTO</b>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2002/01/00 First Use In Commerce: 2002/01/00 Ground and whole bean coffee		

U.S. Registration No.	1435633	Application Date	05/24/1985
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	MONTE CRISTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1960/10/01 First Use In Commerce: 1960/10/01 MEN'S CLOTHING, NAMELY, SUITS, TOPCOATS, OVERCOATS, SLACKS, AND SPORT JACKETS		

U.S. Registration No.	2673772	Application Date	08/11/2000
Registration Date	01/14/2003	Foreign Priority Date	NONE
Word Mark	WORLD OF MONTECRISTO		
Design Mark	<b>WORLD OF MONTECRISTO</b>		
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1999/08/15 First Use In Commerce: 1999/08/15 Cigars, little cigars, pipe tobacco, roll-your-own cigarette tobacco and smokeless tobacco		

U.S. Registration No.	2872359	Application Date	11/26/2002
Registration Date	08/10/2004	Foreign Priority Date	NONE
Word Mark	MONTECRISTO CASINO		

Design Mark	<b>MONTECRISTO CASINO</b>
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 2003/05/13 First Use In Commerce: 2003/05/13 Cigars

U.S. Registration No.	3665071	Application Date	04/01/2005
Registration Date	08/04/2009	Foreign Priority Date	NONE
Word Mark	CASA DE MONTECRISTO		
Design Mark	<b>CASA DE MONTECRISTO</b>		
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2009/03/03 First Use In Commerce: 2009/03/03 Cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco		

U.S. Registration No.	3794996	Application Date	01/27/2005
Registration Date	05/25/2010	Foreign Priority Date	NONE
Word Mark	MONTECRISTO CLASSIC COLLECTION		
Design Mark	<b>MONTECRISTO CLASSIC COLLECTION</b>		
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Cigars, little cigars, pipe tobacco and smokeless tobacco		

U.S. Registration No.	3759106	Application Date	03/04/2009
Registration Date	03/09/2010	Foreign Priority Date	NONE
Word Mark	MONTECRISTO OPEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2007/12/03 First Use In Commerce: 2007/12/03 Cigars Class 041. First use: First Use: 2007/12/03 First Use In Commerce: 2007/12/03 Organizing and conducting a golfing event the proceeds of which are donated to charity		

U.S. Registration No.	3679724	Application Date	03/04/2009
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	MONTECRISTO CUP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Cigars Class 041. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Organizing and conducting a golfing event the proceeds of which are donated to charity		

U.S. Registration No.	3791093	Application Date	02/12/2009
Registration Date	05/18/2010	Foreign Priority	NONE

		Date	
Word Mark	CASA DE MONTECRISTO		
Design Mark	<p style="text-align: center;"><b>CASA DE MONTECRISTO</b></p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/02/06 First Use In Commerce: 2010/02/06 Retail store services featuring fine cigars, tobacco products, smokers' articles, smokers' accessories, men's gifts, logo apparel, and beverages, including coffee and rum		

U.S. Registration No.	3897792	Application Date	05/22/2009
Registration Date	12/28/2010	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark	<p style="text-align: center;"><b>MONTECRISTO</b></p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 Retail store services, featuring cigars Class 041. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 Cigar smoking lounge services		

U.S. Registration No.	3947902	Application Date	09/07/2010
Registration Date	04/19/2011	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		

Design Mark	<b>MONTECRISTO</b>
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1998/05/28 First Use In Commerce: 1998/05/28 Desk sets; desk pads; pens; stands for pens and pencils Class 028. First use: First Use: 1998/05/28 First Use In Commerce: 1998/05/28 Golf balls Class 034. First use: First Use: 1998/05/28 First Use In Commerce: 1998/05/28 Cigar cases not of precious metal

U.S. Registration No.	4260181	Application Date	10/20/2011
Registration Date	12/18/2012	Foreign Priority Date	NONE
Word Mark	MONTECRISTO		
Design Mark	<b>MONTECRISTO</b>		
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2011/08/01 First Use In Commerce: 2011/08/01 Watches		

Attachments	71368577#TMSN.gif( bytes ) 73643099#TMSN.gif( bytes ) 77794156#TMSN.jpeg( bytes ) 75602798#TMSN.gif( bytes ) 76220705#TMSN.gif( bytes ) 76427444#TMSN.gif( bytes ) 76107706#TMSN.gif( bytes ) 76469845#TMSN.gif( bytes ) 78600270#TMSN.jpeg( bytes ) 78554967#TMSN.jpeg( bytes )
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	77683365#TMSN.jpeg( bytes ) 77683405#TMSN.jpeg( bytes ) 77668889#TMSN.jpeg( bytes ) 77743000#TMSN.jpeg( bytes ) 85124047#TMSN.jpeg( bytes ) 85452217#TMSN.jpeg( bytes ) Notice of Opposition re REGCIG.pdf(115993 bytes ) Exhibit A.pdf(191157 bytes ) Exhibit B.pdf(152579 bytes ) Exhibit C.pdf(161263 bytes ) Exhibit D.pdf(146364 bytes ) Exhibit E.pdf(184085 bytes ) Exhibit F.pdf(154348 bytes ) Exhibit G.pdf(213552 bytes ) Exhibit H.pdf(186163 bytes ) Exhibit I.pdf(150822 bytes ) Exhibit J.pdf(145980 bytes ) Exhibit K.pdf(158163 bytes ) Exhibit L.pdf(156477 bytes ) Exhibit M.pdf(191788 bytes ) Exhibit N.pdf(215394 bytes ) Exhibit O.pdf(193562 bytes ) Exhibit P.pdf(158709 bytes ) Exhibit Q.pdf(164850 bytes ) Exhibit R.pdf(188055 bytes ) Exhibit S.pdf(156074 bytes ) Exhibit T.pdf(144598 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Russell D. Dize/
Name	Charles W. Grimes, Russell D. Dize
Date	11/12/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/780,501  
Published in the Official Gazette on May 14, 2013

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Altadis U.S.A. Inc.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.:
	:	
Vapelux Ltd.	:	
	:	
Applicant.	:	
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**NOTICE OF OPPOSITION**

Altadis U.S.A. Inc. (“Altadis”) believes that it will be damaged by registration of the mark shown in Application Serial No. 85/780,501 and hereby opposes same. The grounds for the Opposition are as follows:

**COUNT I**

1. Altadis is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 5900 North Andrews Avenue, Fort Lauderdale, Florida 33309.

2. Altadis is a major United States manufacturer of cigars, tobacco, tobacco related products and smoker’s articles.

3. Cuban Cigar Brands B.V. (“CCB”) is a wholly owned subsidiary of Altadis.

4. CCB is the owner of the following trademarks and U.S. Trademark Registrations:

(a) The “MONTE CRISTO Crossed Swords and Fleur de Lis Design” trademark and U.S. federal trademark registration number 332,324 for “cigars, cigarettes, and cut tobacco” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit A;

(b) The “Crossed Swords and Fleur de Lis Design” trademark and U.S. federal trademark registration number 1,459,466 for “cigars” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit B; and

(c) The “Fleur de Lis Design” trademark and U.S. federal trademark registration number 3,805,893 for “cigars, little cigars, roll-your-own tobacco, pipe tobacco, smokeless tobacco, ashtrays, cigar boxes, cigar cutters, cigar cases, cigar holders, lighters for smokers, tobacco pipes, tobacco pouches, tobacco tins, match boxes and cigar tubes” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit C;

The foregoing trademarks are hereinafter referred to collectively as the “Fleur de Lis Design Trademarks”.

5. CCB is also the owner of the following trademarks and U.S. Trademark Registrations:

(a) The MONTECRISTO trademark and U.S. federal trademark registration number 1,173,547 for “cigars” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit D;

(b) The MONTECRISTO trademark and U.S. federal trademark registration number 2,396,980 for “hat ornaments not of precious metal” in International Class 26, for “ashtrays not of precious metal” in International Class 34 and for “credit card services” in International Class 36. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit E;

(c) The MONTECRISTO trademark and U.S. federal trademark registration number 2,623,858 for “cocktail lounge, bar and restaurant services; night clubs” in International Class 42. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit F;

(d) The MONTE CRISTO trademark and U.S. federal trademark registration number 2,236,889 for “cologne, after-shave lotion” in International Class 3, for “cuff links” in International Class 14, for “wallets” in International Class 18 and for “bathrobes, scarves, headwear” in International Class 25. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit G;

(e) The MONTECRISTO trademark and U.S. federal trademark registration number 2,594,564 for “alcoholic beverages” in International Class 33. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit H;

(f) The MONTECRISTO trademark and U.S. federal trademark registration number 2,855,557 for “ground and whole bean coffee” in International Class 30. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit I;

(g) The MONTE CRISTO trademark and U.S. federal trademark registration number 1,435,633 for “men’s clothing, namely, suits, topcoats, overcoats, slacks, and sport jackets” in International Class 25. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit J;

(h) The WORLD OF MONTECRISTO trademark and U.S. federal trademark registration number 2,673,772 for “cigars, little cigars, pipe tobacco, roll-your-own cigarette tobacco and smokeless tobacco” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit K;

(i) The MONTECRISTO CASINO trademark and U.S. federal trademark registration number 2,872,359 for “cigars” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit L;

(j) The CASA DE MONTECRISTO trademark and U.S. federal trademark registration number 3,665,071 for “cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit M;

(k) The MONTECRISTO CLASSIC COLLECTION trademark and U.S. federal trademark registration number 3,794,996 for “cigars, little cigars, pipe tobacco and smokeless tobacco” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit N;

(l) The MONTECRISTO OPEN trademark and U.S. federal trademark registration number 3,759,106 for “cigars” in International Class 34 and for “organizing and conducting a golfing event the proceeds of which are donated to charity” in International Class 41. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit O;

(m) The MONTECRISTO CUP trademark and U.S. federal trademark registration number 3,679,724 for “cigars” in International Class 34 and for “organizing and conducting a golfing event the proceeds of which are donated to charity” in International Class 41. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit P;

(n) The CASA DE MONTECRISTO trademark and U.S. federal trademark registration number 3,791,093 for “retail store services featuring fine cigars, tobacco products, smokers' articles, smokers' accessories, men's gifts, logo apparel, and beverages, including coffee and rum” in International Class 35. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit Q;

(o) The MONTECRISTO trademark and U.S. federal trademark registration number 3,897,792 for “retail store services, featuring cigars” in International Class 35 and for “cigar smoking lounge services” in International Class 41. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit R;

(p) The MONTECRISTO trademark and U.S. federal trademark registration number 3,947,902 for “desk sets; desk pads; pens; stands for pens and pencils” in International Class 16,

for “golf balls” in International Class 28 and for “cigar cases not of precious metal” in International Class 34. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit S; and

(q) The MONTECRISTO trademark and U.S. federal trademark registration number 4,260,181 for “watches” in International Class 14. A printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached as Exhibit T;

The foregoing trademarks are hereinafter referred to collectively as the “MONTECRISTO Trademarks”.

6. Altadis brings this Opposition on behalf of itself and on behalf of its wholly owned subsidiary, CCB, the registered trademark owner (Altadis and CCB are collectively referred to herein as “Opposer”).

7. The Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks were developed and first used by Menendez Garcia y Compania Limitada (“Menendez y Garcia”), a Cuban limited liability company. Upon information and belief, Menendez y Garcia commenced use of the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks in the United States at least as early as July 25, 1935 in connection with premium MONTECRISTO cigars. From their inception, Menendez y Garcia’s MONTECRISTO cigars were considered among the finest premium cigars in the world.

8. Opposer is the successor-in-interest to Menendez y Garcia, having purchased Menendez y Garcia’s entire United States rights, interest and goodwill in the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks in 1976.

9. Upon information and belief, Opposer's predecessors-in-interest used the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks in the United States continuously until some time after the Castro government nationalized the Cuban cigar industry in 1960, following the Cuban revolution. Upon information and belief, after an excusable period of non-use, Opposer reintroduced the MONTECRISTO brand after its predecessor-in-interest, Menendez y Garcia, successfully litigated with the Cuban government over the ownership of the rights in the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks in the United States.

10. Use of the Fleur de Lis Design Trademarks, the MONTECRISTO Trademarks and associated trademarks, trade names, trade dress, service marks and brand names is effectuated by Opposer and its licensees.

11. Use of the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks inures to the benefit of CCB.

12. The Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks were used by Opposer's predecessors-in-interest and are used today by Opposer only in connection with the finest quality premium cigars, licensed merchandise and licensed services. The Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks are used prominently on product packaging, in advertisements, on the Internet and in other forums.

13. Opposer's MONTECRISTO cigars are considered to be among the finest premium cigars available in the United States and are sold throughout the United States. Opposer's MONTECRISTO cigars have been extensively advertised, are among the most prestigious cigar brands available in the United States, are highly coveted by cigar aficionados and are used by the media as a symbol of luxury and excellence.

14. Opposer's Fleur de Lis Design Trademarks and MONTECRISTO Trademarks are inherently distinctive to the public and the trade and serve primarily as designators of origin of Opposer's products and services.

15. Opposer's Fleur de Lis Design Trademarks and MONTECRISTO Trademarks are famous.

16. Opposer is actively engaged in the development of MONTECRISTO merchandise and services and in selective licensing of the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks.

17. As a result of Opposer's widespread use and display of the MONTECRISTO brand: (a) the public and the trade use the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks to identify and refer to Opposer's MONTECRISTO brand; (b) cigars marked with the Fleur de Lis Design Trademarks and/or the MONTECRISTO Trademarks are recognized by the trade and the public as high quality premium cigars emanating from a single source; and (c) the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks have built up secondary meaning and extensive goodwill.

18. Through long-term use and controlled marketing, the Fleur de Lis Design Trademarks and the MONTECRISTO Trademarks have become highly distinctive and strongly associated in the United States with cigars, tobacco related products and other licensed merchandise and services of the highest quality emanating from a single source, namely, Opposer.

19. Opposer has adopted an aggressive policy for maintaining the integrity, goodwill and fame associated with its Fleur de Lis Design Trademarks and its MONTECRISTO Trademarks by keeping potential third parties from trading on or trying to pass off as their own

Opposer's renowned Fleur de Lis Design Trademarks and MONTECRISTO Trademarks.

20. Upon information and belief, Vapelux Ltd. ("Applicant") filed U.S. Trademark Application Serial Number 85/780,501 for "REGCIG and Design" as a mark for:

- (i) "Paper packaging containers and cartons for cigarettes and cigarette accessories; cigarette carrying cases made of paper and cardboard; manuals and instructional pamphlets in the field of smoking" in International Class 16;
- (ii) "Electronic cigarettes, electronic cigars, electronic smoking pipes, electronic hookahs; electronic cigarette atomizers, electronic cigarette cartomizers, electronic cigarette clear cartomizers; replaceable electronic cigarette cartridges sold empty; cigar and cigarette boxes not made of precious metal; cigarette lighters not made of precious metal; matches" in International Class 34; and
- (iii) "Retail services, namely, on-line retail stores and retail stores featuring electronic cigarettes and accessories therefor; customer loyalty services and customer club services for commercial, promotional and advertising purposes" in International Class 35;

("Applicant's Mark").

21. Applicant's Mark prominently features the colors red and gold. Applicant has claimed the colors red and gold as features of Applicant's Mark in U.S. Trademark Application Serial Number 85/780,501.

22. Applicant's Mark also prominently features a fleur de lis in the center of the mark. The fleur de lis in the center of Applicant's Mark is displayed in gold coloring.

23. Applicant's Mark is confusingly similar in appearance, meaning and commercial impression to Opposer's registered Fleur de Lis Design Trademarks. For decades, Opposer and its predecessors in interest have prominently used the Fleur de Lis Design Trademarks on cigar bands and packaging for MONTECRISTO cigars. In addition, for decades, Opposer and its predecessors in interest have prominently displayed their registered fleur de lis in the center of cigar bands for MONTECRISTO cigars. Moreover, for decades, Opposer and its predecessors in

interest have utilized the colors red and yellow/gold in connection with cigar bands and packaging for MONTECRISTO cigars, and have displayed the fleur de lis in yellow/gold coloring.

24. Applicant's goods are highly similar to the goods sold and provided in connection with Opposer's Fleur de Lis Design Trademarks and MONTECRISTO Trademarks. Applicant's goods would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers. Therefore, it is highly likely that distributors, retailers and consumers will assume that Applicant's goods and services are associated with Opposer's MONTECRISTO brand.

25. Upon information and belief, Applicant has adopted Applicant's Mark in an attempt to trade on the value of Opposer's renowned Fleur de Lis Design Trademarks and MONTECRISTO Trademarks.

26. Because Opposer's Fleur de Lis Design Trademarks and MONTECRISTO Trademarks are famous, it is highly likely that those in the trade and consumers will assume that Applicant's goods are associated with Opposer's MONTECRISTO brand.

27. Applicant's use of Applicant's Mark is likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods in that the public, the trade and others are likely to believe that Applicant's goods are provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer's MONTECRISTO brand.

## **COUNT II**

28. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 27 as though fully set forth herein.

29. Opposer's Fleur de Lis Design Trademarks and MONTECRISTO Trademarks are distinctive and famous and had become famous prior to the acquisition of any rights Applicant may claim in Applicant's Mark.

30. Use of Applicant's Mark by Applicant will cause dilution of the distinctive quality of Opposer's famous Fleur de Lis Design Trademarks and MONTECRISTO Trademarks.

31. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the use of Applicant's Mark and thereby dilute Opposer's rights in its distinctive and famous Fleur de Lis Design Trademarks and MONTECRISTO Trademarks.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Applicant's application to register REGCIG and Design as a mark be denied in all respects.

Dated: November 12, 2013

Respectfully submitted,

/Charles W. Grimes/  
Charles W. Grimes  
Russell D. Dize  
Attorneys for Opposer  
GRIMES LLC  
488 Main Avenue  
Norwalk, Connecticut 06851-1008  
Telephone No.: (203) 849-8300

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Notice of Opposition was served on the Applicant on the date indicated below by depositing the same with U.S.P.S. First Class Mail, postage prepaid, to the attorney and correspondent of record for Applicant:

Doreen Small, Esq.  
GOLENBOCK EISEMAN ASSOR BELL & PESKOE  
437 Madison Avenue, Floor 35  
New York, NY 10022-7020

John K. Perala, Esq.  
PERALA LAW OFFICE  
332 S. Michigan Ave., Suite 1032  
Chicago, IL 60604

and further certifies that the aforementioned Notice of Opposition was filed with the Trademark Trial and Appeal Board on the date indicated below online through the ESTTA system of the United States Patent and Trademark Office.

Dated: November 12, 2013

/Russell D. Dize/  
Russell D. Dize

# EXHIBIT A

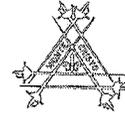
STATUS DOCUMENTS

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Print

Generated on: This page was generated by TSDR on 2013-11-12 11:38:17 EST

Mark: MONTE CRISTO



US Serial Number: 71368577

Application Filing Date: Aug. 22, 1935

US Registration Number: 332324

Registration Date: Feb. 11, 1936

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 27, 2007

**Mark Information**

Mark Literal Elements: MONTE CRISTO

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 05.05.03 - Fleur-de-lis

23.01.01 - Foils; Epees; Rapiers; Swords; Sabers

26.05.09 - Triangles made of geometric figures, objects, humans, plants or animals

26.05.20 - Triangles inside one another

**Related Properties Information**

Publish Previously Yes

Registered Mark:

Previously Registered Mark Dec. 25, 2001

Publication Date:

**Foreign Information**

Foreign Registration Number: 51094

Foreign Registration Date: Aug. 05, 1935

Foreign CUBA

Application/Registration

Country:

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: CIGARS, CIGARETTES, AND CUT TOBACCO

International Class(es): 034

U.S Class(es): 017 - Primary Class

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jul. 25, 1935

Use in Commerce: Jul. 25, 1935

**Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

**Owner Name:** CUBAN CIGAR BRANDS B.V.  
**Owner Address:** 5900 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES  
**Legal Entity Type:** PRIVATE LTD. CO. **State or Country Where Organized:** CURACAO

**Attorney/Correspondence Information**

**Attorney of Record - None**

**Correspondent**

**Correspondent Name/Address:** CHARLES W GRIMES  
 GRIMES & BATTERSBY LLP  
 488 MAIN AVE STE 300  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

**Phone:** 203-849-8300

**Fax:** 203-849-9300

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 19, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED	59136
Dec. 18, 2007	ASSIGNED TO PARALEGAL	59136
Dec. 13, 2007	ASSIGNED TO PARALEGAL	66607
Nov. 05, 2007	REGISTERED - SEC. 8 (6-YR) FILED	
Nov. 05, 2007	PAPER RECEIVED	
Feb. 27, 2007	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	59136
Feb. 27, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 03, 2006	PAPER RECEIVED	
Mar. 27, 2006	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	
Feb. 01, 2006	ASSIGNED TO PARALEGAL	59136
Jan. 10, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 10, 2006	TEAS SECTION 8 & 9 RECEIVED	
Apr. 11, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 10, 2001	PUBLISHED SECTION 12(C)	
Feb. 27, 1996	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Jan. 11, 1996	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Mar. 02, 1989	AMENDMENT UNDER SECTION 7 - ISSUED	
Nov. 25, 1988	RESPONSE RECEIVED TO POST REG. ACTION	
Sep. 29, 1988	POST REGISTRATION ACTION MAILED - SEC. 7	
Aug. 15, 1988	SEC 7 REQUEST FILED	
Feb. 11, 1976	REGISTERED AND RENEWED (SECOND RENEWAL - 20 YRS)	
Feb. 23, 1977	CANCELLATION DISMISSED NO. 999999	11029

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Filed Section 8 - Accepted

**Renewal Date:** Feb. 11, 2006

**Change in Registration:** Yes

Amendment to a THE DRAWING IS AMENDED TO APPEAR AS FOLLOWS: PUBLISH NEW CUT  
Registration/Renewal  
Certificate:

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: POST REGISTRATION

Date in Location: Dec. 18, 2007

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

# EXHIBIT B

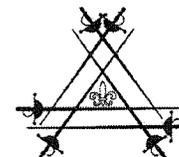
STATUS DOCUMENTS

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Mark:



US Serial Number: 73643099

Application Filing Date: Feb. 05, 1987

US Registration Number: 1459466

Registration Date: Sep. 29, 1987

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 19, 2007

Publication Date: Jul. 07, 1987

**Mark Information**

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/LETTER(S)/NUMBER(S)

Design Search Code(s): 05.05.03 - Fleur-de-lis  
 23.01.01 - Foils; Epees; Rapiers; Sabers; Swords  
 26.05.09 - Triangles made of geometric figures, objects, humans, plants or animals

**Related Properties Information**

Claimed Ownership of US [0332324](#), [1173547](#)  
 Registrations:

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: CIGARS

International Class(es): 034 - Primary Class

U.S Class(es): 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 25, 1935

Use in Commerce: Jul. 25, 1935

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE

FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: CHARLES W. GRIMES

Docket Number: CB031UST

**Correspondent**

Correspondent Name/Address: CHARLES W. GRIMES  
 GRIMES & BATTERSBY, LLP  
 488 Main Avenue  
 Suite 300  
 Norwalk, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: 203-849-8300

Fax: 203-849-9300

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 12, 2009	NOTICE OF SUIT	
Sep. 19, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Sep. 19, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 17, 2007	ASSIGNED TO PARALEGAL	64591
Aug. 31, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 31, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 21, 2007	CASE FILE IN TIGRS	
Apr. 22, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 21, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 08, 1993	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 29, 1987	REGISTERED-PRINCIPAL REGISTER	
Jul. 07, 1987	PUBLISHED FOR OPPOSITION	
Jun. 08, 1987	NOTICE OF PUBLICATION	
Apr. 23, 1987	APPROVED FOR PUB - PRINCIPAL REGISTER	

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 29, 2007

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: POST REGISTRATION

Date in Location: Sep. 19, 2007

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

# EXHIBIT C

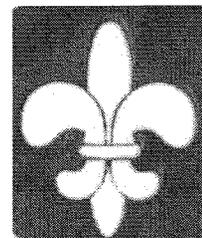
STATUS DOCUMENTS

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Mark:



US Serial Number: 77794156

Application Filing Date: Jul. 31, 2009

US Registration Number: 3805893

Registration Date: Jun. 22, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 22, 2010

Publication Date: Dec. 29, 2009

**Mark Information**

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a design of a fleur de lis.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 05.05.03 - Fleur-de-lis  
26.11.21 - Rectangles that are completely or partially shaded

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ . ] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Cigars, little cigars, roll-your-own tobacco, pipe tobacco, smokeless tobacco, ashtrays, cigar boxes, cigar cutters, cigar cases, cigar holders, lighters for smokers, tobacco pipes, tobacco pouches, tobacco tins, match boxes and cigar tubes

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 25, 1935

Use in Commerce: Jul. 25, 1935

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE

FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

**Correspondent**

Correspondent: CHARLES W. GRIMES  
 Name/Address: GRIMES & BATTERSBY, LLP  
 488 MAIN AVE STE 300  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 22, 2010	REGISTERED-PRINCIPAL REGISTER	
May 14, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jan. 21, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 29, 2009	PUBLISHED FOR OPPOSITION	
Dec. 09, 2009	NOTICE OF PUBLICATION	
Nov. 23, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Nov. 23, 2009	ASSIGNED TO LIE	74215
Nov. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 04, 2009	ASSIGNED TO EXAMINER	71994
Aug. 05, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 04, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 22, 2010

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# EXHIBIT D

STATUS DOCUMENTS

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Mark: MONTECRISTO

No Image exists for this case.

US Serial Number: 73160233      Application Filing Date: Feb. 27, 1978  
 US Registration Number: 1173547      Registration Date: Oct. 13, 1981  
 Register: Principal  
 Mark Type: Trademark  
 Status: The registration has been renewed.  
 Status Date: Aug. 09, 2011  
 Publication Date: Jul. 21, 1981

**Mark Information**

Mark Literal Elements: MONTECRISTO  
 Standard Character Claim: No  
 Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Related Properties Information**

Claimed Ownership of US [03323240](#)  
 Registrations:

**Goods and Services**

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Cigars

International Class(es): 034 - Primary Class

U.S Class(es): 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 25, 1935

Use in Commerce: Jul. 25, 1935

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.  
 Owner Address: 5900 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES  
 Legal Entity Type: PRIVATE LTD. CO.      State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: CHARLES W GRIMES

Docket Number: CB007UST

**Correspondent**

Correspondent CHARLES W GRIMES  
 Name/Address: GRIMES & BATTERSBY, LLC  
 488 MAIN AVENUE 3RD FLOOR  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: 203-849-8300

Fax: 203-849-9300

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 09, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68335
Aug. 09, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jul. 25, 2011	TEAS SECTION 8 & 9 RECEIVED	
May 12, 2009	NOTICE OF SUIT	
Mar. 11, 2008	CASE FILE IN TIGRS	
Apr. 11, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 25, 2001	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Mar. 25, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 01, 2000	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Nov. 13, 1987	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 16, 1987	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 13, 1981	REGISTERED-PRINCIPAL REGISTER	
Jul. 21, 1981	PUBLISHED FOR OPPOSITION	

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 13, 2011

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: Not Found

Date in Location: Aug. 09, 2011

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# EXHIBIT E

STATUS DOCUMENTS

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Mark: MONTECRISTO

**MONTECRISTO**

US Serial Number: 75602798

Application Filing Date: Dec. 10, 1998

US Registration Number: 2396980

Registration Date: Oct. 24, 2000

Register: Principal

Mark Type: Trademark, Service Mark

Status: The registration has been renewed.

Status Date: Sep. 15, 2010

Publication Date: Aug. 01, 2000

**Mark Information**

Mark Literal Elements: MONTECRISTO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Related Properties Information**

Claimed Ownership of US [0332324](#), [1173547](#), [1435633](#)

Registrations:

**Goods and Services**

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: HAT ORNAMENTS NOT OF PRECIOUS METAL

International Class(es): 026 - Primary Class

U.S Class(es): 037, 039, 040, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 1998

Use in Commerce: Feb. 1998

For: ASHTRAYS NOT OF PRECIOUS METAL

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1997

Use in Commerce: Aug. 1997

For: CREDIT CARD SERVICES

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1997

Use in Commerce: Sep. 1997

**Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No



**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: Not Found

Date in Location: Sep. 15, 2010

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**Proceedings - Click to Load**

# EXHIBIT F

STATUS DOCUMENTS

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Mark: MONTECRISTO

**MONTECRISTO**

US Serial Number: 76220705

Application Filing Date: Mar. 05, 2001

US Registration Number: 2623858

Registration Date: Sep. 24, 2002

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jul. 26, 2012

Publication Date: Jul. 02, 2002

**Mark Information**

Mark Literal Elements: MONTECRISTO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Related Properties Information**

Claimed Ownership of US [0332324](#), [1173547](#), [2304416](#)

Registrations:

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: cocktail lounge, bar and restaurant services; night clubs

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 2000

Use in Commerce: Oct. 31, 2000

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

Docket Number: CB072UST

**Correspondent**

Correspondent: Charles W. Grimes  
 Name/Address: GRIMES & BATTERSBY, LLC  
 488 MAIN AVENUE, 2ND FLOOR  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: 203-849-8300

Fax: 203-849-9300

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Jul. 26, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Jul. 26, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Jul. 26, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jul. 16, 2012	TEAS SECTION 8 & 9 RECEIVED	
May 12, 2009	NOTICE OF SUIT	
Oct. 03, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75184
Sep. 26, 2008	ASSIGNED TO PARALEGAL	75184
Sep. 24, 2008	TEAS SECTION 8 & 15 RECEIVED	
Dec. 10, 2007	CASE FILE IN TICRS	
Sep. 24, 2002	REGISTERED-PRINCIPAL REGISTER	
Jul. 02, 2002	PUBLISHED FOR OPPOSITION	
Jun. 12, 2002	NOTICE OF PUBLICATION	
Apr. 11, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 03, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 04, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 09, 2001	NON-FINAL ACTION MAILED	
Jul. 05, 2001	ASSIGNED TO EXAMINER	72506
Jun. 28, 2001	ASSIGNED TO EXAMINER	77782

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 24, 2012

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: Not Found

Date in Location: Jul. 26, 2012

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

# EXHIBIT G

STATUS DOCUMENTS

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Mark: MONTE CRISTO

No Image exists for this case.

US Serial Number: 74251737

Application Filing Date: Mar. 03, 1992

US Registration Number: 2236889

Registration Date: Apr. 06, 1999

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 17, 2009

Publication Date: Aug. 22, 1995

Notice of Allowance Date: Nov. 14, 1995

**Mark Information**

Mark Literal Elements: MONTE CRISTO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Translation: The English translation of "MONTECRISTO" is "mountain of Christ".

**Related Properties Information**

Claimed Ownership of US [1435633](#), [74801847](#)

Registrations:

Parent Of: [74801847](#)

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Cologne, after-shave lotion

International Class(es): 003 - Primary Class

U.S Class(es): 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: May 14, 1998

Use in Commerce: May 14, 1998

For: Cuff links

International Class(es): 014 - Primary Class

U.S Class(es): 027, 028

Class Status: ACTIVE

Basis: 1(a)

First Use: May 14, 1998

Use in Commerce: May 14, 1998

For: Wallets

International Class(es): 018 - Primary Class

U.S Class(es): 003, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: May 14, 1998

Use in Commerce: May 14, 1998

For: Bathrobes, scarves, headwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 18, 1998

**Use in Commerce:** Feb. 18, 1998

**Basis Information (Case Level)**

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

**Current Owner(s) Information**

**Owner Name:** CUBAN CIGAR BRANDS B.V.  
**Owner Address:** 5900 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES  
**Legal Entity Type:** PRIVATE LTD. CO. **State or Country Where Organized:** CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Charles W. Grimes

**Docket Number:** CB007UST1

**Correspondent**

**Correspondent Name/Address:** Charles W. Grimes  
 GRIMES & BATTERSBY, LLP  
 488 MAIN AVENUE, SUITE 300  
 NORWALK, CONNECTICUT 06851  
 UNITED STATES

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 12, 2009	NOTICE OF SUIT	
Mar. 17, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Mar. 17, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 11, 2009	ASSIGNED TO PARALEGAL	69471
Mar. 09, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jul. 19, 2007	CASE FILE IN TICRS	
Dec. 20, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Dec. 05, 2005	ASSIGNED TO PARALEGAL	70132
Oct. 06, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 06, 2005	TEAS SECTION 8 & 15 RECEIVED	
Apr. 06, 1999	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 1999	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 21, 1998	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 12, 1998	USE AMENDMENT FILED	
Jun. 01, 1998	EXTENSION 5 GRANTED	
May 14, 1998	EXTENSION 5 FILED	
Dec. 17, 1997	EXTENSION 4 GRANTED	
Nov. 10, 1997	EXTENSION 4 FILED	

May 23, 1997	EXTENSION 3 GRANTED	
Apr. 28, 1997	EXTENSION 3 FILED	
Dec. 05, 1996	EXTENSION 2 GRANTED	
Oct. 10, 1996	EXTENSION 2 FILED	
Aug. 02, 1996	EXTENSION 1 GRANTED	
May 14, 1996	EXTENSION 1 FILED	
Nov. 14, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 22, 1995	PUBLISHED FOR OPPOSITION	
Jul. 21, 1995	NOTICE OF PUBLICATION	
Mar. 30, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 24, 1995	EXAMINER'S AMENDMENT MAILED	
Feb. 10, 1995	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 10, 1994	LETTER OF SUSPENSION MAILED	
Oct. 27, 1994	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Sep. 02, 1994	EXAMINERS STATEMENT MAILED	
Aug. 31, 1994	EXAMINER'S AMENDMENT MAILED	
Jun. 15, 1994	DIVISIONAL PROCESSING COMPLETE	
Feb. 17, 1994	DIVISIONAL REQUEST RECEIVED	
Apr. 19, 1994	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Apr. 19, 1994	EX PARTE APPEAL-INSTITUTED	251737
Sep. 15, 1993	FINAL REFUSAL MAILED	
Jul. 01, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 13, 1993	LETTER OF SUSPENSION MAILED	
Nov. 09, 1992	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 06, 1992	NON-FINAL ACTION MAILED	
May 04, 1992	ASSIGNED TO EXAMINER	69196

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 06, 2009

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 17, 2009

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**Proceedings - Click to Load**

# EXHIBIT H



**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: CHARLES W GRIMES

Docket Number: CB007UST4

**Correspondent**

Correspondent: CHARLES W GRIMES

Name/Address: GRIMES & BATTERSBY, LLC  
 488 MAIN AVENUE, 2ND FLOOR  
 NORWALK, CONNECTICUT 06851  
 UNITED STATES

Phone: (203) 849-8300

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 06, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Jun. 06, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Jun. 06, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jun. 06, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
May 24, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jun. 06, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
May 28, 2008	ASSIGNED TO PARALEGAL	69934
May 14, 2008	TEAS SECTION 8 & 15 RECEIVED	
Dec. 12, 2007	CASE FILE IN TICRS	
Jul. 16, 2002	REGISTERED-PRINCIPAL REGISTER	
Apr. 08, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 21, 2002	ASSIGNED TO EXAMINER	67433
Mar. 15, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 01, 2002	USE AMENDMENT FILED	
Aug. 21, 2001	EXTENSION 4 GRANTED	
Aug. 08, 2001	EXTENSION 4 FILED	
May 06, 2001	EXTENSION 3 GRANTED	
Apr. 10, 2001	EXTENSION 3 FILED	
Dec. 11, 2000	EXTENSION 2 GRANTED	
Sep. 25, 2000	EXTENSION 2 FILED	
Apr. 06, 2000	EXTENSION 1 GRANTED	
Feb. 04, 2000	EXTENSION 1 FILED	
Oct. 12, 1999	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 20, 1999	PUBLISHED FOR OPPOSITION	
Jun. 18, 1999	NOTICE OF PUBLICATION	
Apr. 09, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 04, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 04, 1998	NON-FINAL ACTION MAILED	
Aug. 13, 1998	ASSIGNED TO EXAMINER	67433

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 16, 2012

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: Not Found

Date in Location: Jun. 06, 2012

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**Proceedings - Click to Load**

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# EXHIBIT I

STATUS DOCUMENTS

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Mark: MONTECRISTO

**MONTECRISTO**

US Serial Number: 76427444

Application Filing Date: Jul. 03, 2002

US Registration Number: 2855557

Registration Date: Jun. 22, 2004

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 08, 2010

Publication Date: Mar. 30, 2004

**Mark Information**

Mark Literal Elements: MONTECRISTO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Translation: The mark word MONTECRISTO translates to mountain of Christ in English.

**Related Properties Information**

Claimed Ownership of US [0332324](#), [2423694](#) and others  
Registrations:

**Goods and Services**

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Ground and whole bean coffee

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2002

Use in Commerce: Jan. 2002

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

Docket Number: CB073UST

**Correspondent**

Correspondent: Charles W. Grimes  
 Name/Address: GRIMES & BATTERSBY, LLP  
 488 MAIN AVENUE  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: 203-849-8300

Fax: 203-849-9300

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 08, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Apr. 08, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Mar. 26, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jun. 22, 2004	REGISTERED-PRINCIPAL REGISTER	
Mar. 30, 2004	PUBLISHED FOR OPPOSITION	
Mar. 12, 2004	NOTICE OF PUBLICATION	
Mar. 10, 2004	NOTICE OF PUBLICATION	
Jan. 26, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 06, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 12, 2003	CASE FILE IN TICRS	
Dec. 03, 2003	REINSTATED	78756
Sep. 26, 2003	PAPER RECEIVED	
Jul. 30, 2003	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Nov. 13, 2002	NON-FINAL ACTION MAILED	
Nov. 04, 2002	ASSIGNED TO EXAMINER	72506
Nov. 01, 2002	ASSIGNED TO EXAMINER	76736

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: TMEG LAW OFFICE 105

Date in Location: Apr. 08, 2010

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# EXHIBIT J

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Mark: MONTE CRISTO

No Image exists for this case.

US Serial Number: 73539421

Application Filing Date: May 24, 1985

US Registration Number: 1435633

Registration Date: Apr. 07, 1987

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 11, 2007

Publication Date: Jan. 13, 1987

**Mark Information**

Mark Literal Elements: MONTE CRISTO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Goods and Services**

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ ] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: MEN'S CLOTHING, NAMELY, SUITS, TOPCOATS, OVERCOATS, SLACKS, AND SPORT JACKETS

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 01, 1960

Use in Commerce: Oct. 01, 1960

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

Docket Number: CB007UST3

**Correspondent**

**Correspondent** Charles W. Grimes  
**Name/Address:** Grimes & Battersby, LLP  
 Suite 300  
 488 Main Avenue  
 Norwalk, CONNECTICUT 06851  
 UNITED STATES

**Phone:** 203-849-8300

**Fax:** 203-849-9300

**Domestic Representative - Not Found**

**Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 11, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
May 11, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 09, 2007	ASSIGNED TO PARALEGAL	73376
Apr. 09, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 09, 2007	TEAS SECTION 8 & 9 RECEIVED	
Jan. 18, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 24, 2006	CASE FILE IN TICRS	
Jul. 22, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Apr. 07, 1993	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 07, 1987	REGISTERED-PRINCIPAL REGISTER	
Jan. 13, 1987	PUBLISHED FOR OPPOSITION	
Dec. 14, 1986	NOTICE OF PUBLICATION	
Oct. 23, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 12, 1986	LETTER OF SUSPENSION MAILED	
Jul. 15, 1985	NON-FINAL ACTION MAILED	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Renewal Date:** Apr. 07, 2007

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** May 11, 2007

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**Proceedings - Click to Load**

# EXHIBIT K



**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Charles W. Grimes

Docket Number: CB070UST

**Correspondent**

Correspondent: Charles W. Grimes  
 Name/Address: GRIMES & BATTERSBY, LLC  
 488 MAIN AVENUE, 2ND FLOOR  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: 203-849-8300

Fax: 203-849-9300

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 04, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Jan. 04, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Jan. 04, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Jan. 04, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Dec. 11, 2012	TEAS SECTION 8 & 9 RECEIVED	
Nov. 21, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Nov. 03, 2008	ASSIGNED TO PARALEGAL	70619
Oct. 30, 2008	TEAS SECTION 8 & 15 RECEIVED	
Jan. 22, 2008	CASE FILE IN TICRS	
Jan. 14, 2003	REGISTERED-PRINCIPAL REGISTER	
Oct. 22, 2002	PUBLISHED FOR OPPOSITION	
Oct. 02, 2002	NOTICE OF PUBLICATION	
Jul. 26, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 11, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 05, 2002	REINSTATED	
Dec. 19, 2001	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Apr. 23, 2001	NON-FINAL ACTION MAILED	
Mar. 14, 2001	ASSIGNED TO EXAMINER	72506
Dec. 29, 2000	ASSIGNED TO EXAMINER	78684

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 14, 2013

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: Not Found

Date in Location: Jan. 04, 2013

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# EXHIBIT L

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Mark: MONTECRISTO CASINO

**MONTECRISTO CASINO**

US Serial Number: 76469845

Application Filing Date: Nov. 26, 2002

US Registration Number: 2872359

Registration Date: Aug. 10, 2004

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 15, 2010

Publication Date: May 06, 2003

Notice of Allowance Date: Jul. 29, 2003

**Mark Information**

Mark Literal Elements: MONTECRISTO CASINO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Related Properties Information**

Claimed Ownership of US [0332324](#), [1173547](#), [1435633](#), [2236889](#), [2304416](#), [2396980](#), [2423694](#) and others Registrations:

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Cigars

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: May 13, 2003

Use in Commerce: May 13, 2003

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

Attorney of Record

Attorney Name: Charles W. Grimes

Docket Number: CB073UST

Attorney Primary Email [grimes@gandb.com](mailto:grimes@gandb.com)

Attorney Email Authorized: No

Address:

**Correspondent**

Correspondent Name/Address: Charles W. Grimes  
 GRIMES & BATTERSBY, LLP  
 488 MAIN AVENUE STE 300  
 NORWALK, CONNECTICUT 06851  
 UNITED STATES

Phone: 203-849-8300

Fax: 203-849-9300

Correspondent e-mail: [grimes@gandb.com](mailto:grimes@gandb.com)

Correspondent e-mail No Authorized:

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 15, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Jun. 15, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
May 26, 2010	TEAS SECTION 8 & 15 RECEIVED	
Aug. 10, 2004	REGISTERED-PRINCIPAL REGISTER	
May 27, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 14, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 14, 2004	PAPER RECEIVED	
Mar. 04, 2004	NON-FINAL ACTION E-MAILED	
Mar. 01, 2004	ASSIGNED TO EXAMINER	76419
Feb. 26, 2004	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 26, 2004	USE AMENDMENT FILED	
Jan. 26, 2004	TEAS STATEMENT OF USE RECEIVED	
Jul. 29, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 06, 2003	PUBLISHED FOR OPPOSITION	
Apr. 16, 2003	NOTICE OF PUBLICATION	
Mar. 08, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 07, 2003	ASSIGNED TO EXAMINER	76419

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Jun. 15, 2010

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# EXHIBIT M

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Mark: CASA DE MONTECRISTO

**CASA DE  
MONTECRISTO**

US Serial Number: 78600270

Application Filing Date: Apr. 01, 2005

US Registration Number: 3665071

Registration Date: Aug. 04, 2009

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 04, 2009

Publication Date: Dec. 27, 2005

Notice of Allowance Date: Mar. 21, 2006

**Mark Information**

Mark Literal Elements: CASA DE MONTECRISTO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Translation: The foreign wording in the mark translates into English as House of Mountain of Christ.

**Related Properties Information**

Claimed Ownership of US [0332324](#), [1173547](#), [1435633](#) and others  
Registrations:

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ ] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 03, 2009

Use in Commerce: Mar. 03, 2009

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

Docket Number: CB081UST

**Correspondent**

Correspondent Charles W. Grimes  
 Name/Address: GRIMES & BATTERSBY, LLP  
 488 Main Avenue  
 Suite 300  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: (203) 849-8300

Fax: (203) 849-9300

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 04, 2009	REGISTERED-PRINCIPAL REGISTER	
Jul. 01, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Jul. 01, 2009	ASSIGNED TO LIE	68123
Jun. 25, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 02, 2009	STATEMENT OF USE PROCESSING COMPLETE	61813
Mar. 12, 2009	USE AMENDMENT FILED	61813
Apr. 01, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Mar. 12, 2009	TEAS STATEMENT OF USE RECEIVED	
Sep. 10, 2008	EXTENSION 5 GRANTED	98765
Sep. 10, 2008	EXTENSION 5 FILED	98765
Sep. 10, 2008	TEAS EXTENSION RECEIVED	
Feb. 28, 2008	EXTENSION 4 GRANTED	98765
Feb. 28, 2008	EXTENSION 4 FILED	98765
Feb. 28, 2008	TEAS EXTENSION RECEIVED	
Sep. 18, 2007	EXTENSION 3 GRANTED	98765
Sep. 18, 2007	EXTENSION 3 FILED	98765
Sep. 18, 2007	TEAS EXTENSION RECEIVED	
Mar. 16, 2007	EXTENSION 2 GRANTED	98765
Mar. 16, 2007	EXTENSION 2 FILED	98765
Mar. 16, 2007	TEAS EXTENSION RECEIVED	
Sep. 18, 2006	EXTENSION 1 GRANTED	98765
Sep. 18, 2006	EXTENSION 1 FILED	98765
Sep. 18, 2006	TEAS EXTENSION RECEIVED	
Mar. 21, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 27, 2005	PUBLISHED FOR OPPOSITION	
Dec. 07, 2005	NOTICE OF PUBLICATION	
Nov. 09, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Nov. 04, 2005	ASSIGNED TO LIE	70629
Oct. 28, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2005	ASSIGNED TO EXAMINER	76840
Apr. 08, 2005	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 01, 2009

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# EXHIBIT N

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Mark: MONTECRISTO CLASSIC COLLECTION

**MONTECRISTO  
CLASSIC COLLECTION**

US Serial Number: 78554967

Application Filing Date: Jan. 27, 2005

US Registration Number: 3794996

Registration Date: May 25, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 25, 2010

Publication Date: Feb. 19, 2008

Notice of Allowance Date: Mar. 24, 2009

**Mark Information**

Mark Literal Elements: MONTECRISTO CLASSIC COLLECTION

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Translation: The foreign wording in the mark translates into English as "Mountain of Christ".

**Related Properties Information**

Claimed Ownership of US [1173547](#), [2304416](#), [2396980](#) and others Registrations:

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Cigars, little cigars, pipe tobacco and smokeless tobacco

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Charles W. Grimes

Docket Number: CB079UST

**Correspondent**

Correspondent Charles W. Grimes  
 Name/Address: Grimes & Battersby LLP  
 488 Main Avenue, Suite 3  
 Norwalk, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: (203) 849-8300

Fax: (203) 849-9300

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 25, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 17, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Apr. 16, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Apr. 16, 2010	ASSIGNED TO LIE	68552
Mar. 31, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 26, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 26, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 26, 2010	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Feb. 23, 2010	FINAL REFUSAL MAILED	
Feb. 22, 2010	SU - FINAL REFUSAL - WRITTEN	69811
Feb. 02, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	78289
Feb. 02, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	78289
Jan. 28, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 21, 2009	NON-FINAL ACTION MAILED	
Aug. 21, 2009	SU - NON-FINAL ACTION - WRITTEN	69811
Jul. 29, 2009	STATEMENT OF USE PROCESSING COMPLETE	76874
Jul. 07, 2009	USE AMENDMENT FILED	76874
Jul. 29, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Jul. 07, 2009	TEAS STATEMENT OF USE RECEIVED	
Mar. 24, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 12, 2009	TTAB RELEASE CASE TO TRADEMARKS	184666
Feb. 12, 2009	OPPOSITION TERMINATED NO. 999999	184666
Feb. 12, 2009	OPPOSITION DISMISSED NO. 999999	184666
Jun. 17, 2008	OPPOSITION INSTITUTED NO. 999999	184666
Mar. 14, 2008	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 19, 2008	PUBLISHED FOR OPPOSITION	
Jan. 30, 2008	NOTICE OF PUBLICATION	
Jan. 15, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Jan. 14, 2008	ASSIGNED TO LIE	78289
Nov. 29, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 27, 2007	EXPARTE APPEAL TERMINATED	554967
Nov. 27, 2007	EXPARTE APPEAL TERMINATED	554967
Oct. 19, 2007	EX PARTE APPEAL-REFUSAL REVERSED	554967
Feb. 01, 2007	EXAMINERS STATEMENT MAILED	
Jan. 31, 2007	EXAMINERS STATEMENT - COMPLETED	69811
Dec. 06, 2006	JURISDICTION RESTORED TO EXAMINING ATTORNEY	554967

Oct. 03, 2006	EX PARTE APPEAL-INSTITUTED	554967
Oct. 03, 2006	EXPARTE APPEAL RECEIVED AT TTAB	
Apr. 07, 2006	FINAL REFUSAL MAILED	
Apr. 06, 2006	FINAL REFUSAL WRITTEN	69811
Mar. 17, 2006	AMENDMENT FROM APPLICANT ENTERED	76985
Mar. 03, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76985
Mar. 03, 2006	PAPER RECEIVED	
Aug. 29, 2005	NON-FINAL ACTION MAILED	
Aug. 26, 2005	NON-FINAL ACTION WRITTEN	69811
Aug. 25, 2005	ASSIGNED TO EXAMINER	69811
Feb. 04, 2005	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 16, 2010

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# EXHIBIT O

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Mark: MONTECRISTO OPEN

### MONTECRISTO OPEN

US Serial Number: 77683365

Application Filing Date: Mar. 04, 2009

US Registration Number: 3759106

Registration Date: Mar. 09, 2010

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 09, 2010

Publication Date: Jun. 23, 2009

Notice of Allowance Date: Sep. 15, 2009

#### Mark Information

Mark Literal Elements: MONTECRISTO OPEN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "OPEN" FOR CLASS 41

Translation: The English translation of "MONTECRISTO" in the mark is MOUNTAIN OF CHRIST.

Transliteration: The English translation of MONTECRISTO in the mark is MOUNTAIN OF CHRIST.

#### Related Properties Information

Claimed Ownership of US [0332324](#), [2304416](#), [2673772](#)

Registrations:

#### Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Cigars

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2007

Use in Commerce: Dec. 03, 2007

For: Organizing and conducting a golfing event the proceeds of which are donated to charity

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2007

Use in Commerce: Dec. 03, 2007

#### Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

**Owner Name:** CUBAN CIGAR BRANDS B.V.  
**Owner Address:** 5900 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES  
**Legal Entity Type:** PRIVATE LTD. CO. **State or Country Where Organized:** CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Charles W. Grimes

**Correspondent**

**Correspondent Name/Address:** CHARLES W. GRIMES  
 GRIMES & BATTERSBY, LLP  
 488 MAIN AVE STE 300  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 09, 2010	REGISTERED-PRINCIPAL REGISTER	
Feb. 03, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Feb. 02, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 29, 2010	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 17, 2009	USE AMENDMENT FILED	66530
Jan. 29, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 17, 2009	TEAS STATEMENT OF USE RECEIVED	
Sep. 15, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 23, 2009	PUBLISHED FOR OPPOSITION	
Jun. 03, 2009	NOTICE OF PUBLICATION	
May 20, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
May 14, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 14, 2009	EXAMINERS AMENDMENT MAILED	
May 13, 2009	EXAMINER'S AMENDMENT ENTERED	88888
May 13, 2009	EXAMINERS AMENDMENT -WRITTEN	83169
Apr. 28, 2009	NON-FINAL ACTION MAILED	
Apr. 27, 2009	NON-FINAL ACTION WRITTEN	83169
Apr. 22, 2009	ASSIGNED TO EXAMINER	83169
Apr. 21, 2009	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77075
Apr. 14, 2009	ASSIGNED TO LIE	77075
Apr. 14, 2009	TEAS VOLUNTARY AMENDMENT RECEIVED	
Mar. 09, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2009	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 03, 2010

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# EXHIBIT P

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Mark: MONTECRISTO CUP

## MONTECRISTO CUP

US Serial Number: 77683405

Application Filing Date: Mar. 04, 2009

US Registration Number: 3679724

Registration Date: Sep. 08, 2009

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 08, 2009

Publication Date: Jun. 23, 2009

### Mark Information

Mark Literal Elements: MONTECRISTO CUP

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CUP" FOR CLASS 41

Translation: The English translation of "MONTECRISTO" in the mark is MOUNTAIN OF CHRIST.

### Related Properties Information

Claimed Ownership of US [0332324](#), [2304416](#), [2673772](#) and others

Registrations:

### Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Cigars

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1999

Use in Commerce: Dec. 1999

For: Organizing and conducting a golfing event the proceeds of which are donated to charity

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1999

Use in Commerce: Dec. 1999

### Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.  
 Owner Address: 5900 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES  
 Legal Entity Type: PRIVATE LTD. CO. State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

**Correspondent**

Correspondent: CHARLES W. GRIMES  
 Name/Address: GRIMES & BATTERSBY, LLP  
 488 MAIN AVE STE 300  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 08, 2009	REGISTERED-PRINCIPAL REGISTER	
Jun. 23, 2009	PUBLISHED FOR OPPOSITION	
Jun. 03, 2009	NOTICE OF PUBLICATION	
May 20, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
May 14, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 14, 2009	EXAMINERS AMENDMENT MAILED	
May 13, 2009	EXAMINER'S AMENDMENT ENTERED	88888
May 13, 2009	EXAMINERS AMENDMENT -WRITTEN	83169
Apr. 28, 2009	NON-FINAL ACTION MAILED	
Apr. 27, 2009	NON-FINAL ACTION WRITTEN	83169
Apr. 22, 2009	ASSIGNED TO EXAMINER	83169
Apr. 16, 2009	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	77075
Apr. 14, 2009	ASSIGNED TO LIE	77075
Apr. 14, 2009	TEAS VOLUNTARY AMENDMENT RECEIVED	
Mar. 09, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2009	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Sep. 08, 2009

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# EXHIBIT Q



State or Country Where  
Organized:

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

**Correspondent**

Correspondent CHARLES W. GRIMES  
Name/Address: GRIMES & BATTERSBY, LLP  
488 MAIN AVE STE 300  
NORWALK, CONNECTICUT 06851-1008  
UNITED STATES

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 18, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 13, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Apr. 10, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Apr. 08, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 30, 2010	STATEMENT OF USE PROCESSING COMPLETE	69302
Mar. 04, 2010	USE AMENDMENT FILED	69302
Mar. 30, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Mar. 04, 2010	TEAS STATEMENT OF USE RECEIVED	
Nov. 17, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 25, 2009	PUBLISHED FOR OPPOSITION	
Aug. 05, 2009	NOTICE OF PUBLICATION	
Jul. 20, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jul. 20, 2009	ASSIGNED TO LIE	70633
Jul. 10, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 09, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 09, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 09, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 01, 2009	NON-FINAL ACTION MAILED	
Mar. 31, 2009	NON-FINAL ACTION WRITTEN	77979
Mar. 31, 2009	ASSIGNED TO EXAMINER	77979
Feb. 17, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 17, 2009	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 10, 2010

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Mark: MONTECRISTO

# MONTECRISTO

US Serial Number: 77743000

Application Filing Date: May 22, 2009

US Registration Number: 3897792

Registration Date: Dec. 28, 2010

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 28, 2010

Publication Date: Feb. 09, 2010

Notice of Allowance Date: May 04, 2010

## Mark Information

Mark Literal Elements: MONTECRISTO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Translation: The English translation of "MONTECRISTO" in the mark is "MOUNTAIN OF CHRIST".

## Related Properties Information

Claimed Ownership of US [0332324](#), [1173547](#), [2872359](#) and others

Registrations:

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Retail store services, featuring cigars

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 2008

Use in Commerce: Dec. 2008

For: Cigar smoking lounge services

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 2008

Use in Commerce: Dec. 2008

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: CUBAN CIGAR BRANDS B.V.  
 Owner Address: 5900 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA 33309  
 UNITED STATES  
 Legal Entity Type: PRIVATE LTD. CO. State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

**Correspondent**

Correspondent: CHARLES W. GRIMES  
 Name/Address: GRIMES & BATTERSBY, LLP  
 488 MAIN AVE STE 300  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 28, 2010	REGISTERED-PRINCIPAL REGISTER	
Nov. 23, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Nov. 22, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Nov. 18, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 17, 2010	STATEMENT OF USE PROCESSING COMPLETE	70565
Oct. 28, 2010	USE AMENDMENT FILED	70565
Nov. 10, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Oct. 28, 2010	TEAS STATEMENT OF USE RECEIVED	
May 04, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 09, 2010	PUBLISHED FOR OPPOSITION	
Jan. 20, 2010	NOTICE OF PUBLICATION	
Jan. 06, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jan. 06, 2010	ASSIGNED TO LIE	73797
Dec. 16, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 04, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 04, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 04, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 25, 2009	NON-FINAL ACTION MAILED	
Aug. 25, 2009	NON-FINAL ACTION WRITTEN	78426
Aug. 24, 2009	ASSIGNED TO EXAMINER	78426
May 28, 2009	NOTICE OF PSEUDO MARK MAILED	
May 27, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 26, 2009	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Nov. 22, 2010

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Mark: MONTECRISTO

# MONTECRISTO

US Serial Number: 85124047

Application Filing Date: Sep. 07, 2010

US Registration Number: 3947902

Registration Date: Apr. 19, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 19, 2011

Publication Date: Feb. 01, 2011

## Mark information

Mark Literal Elements: MONTECRISTO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Translation: The English translation of "MONTECRISTO" in the mark is Mountain of Christ.

## Related Properties Information

Claimed Ownership of US [2236889](#), [2396980](#) and others Registrations:

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Desk sets; desk pads; pens; stands for pens and pencils

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 28, 1998

Use in Commerce: May 28, 1998

For: Golf balls

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 28, 1998

Use in Commerce: May 28, 1998

For: Cigar cases not of precious metal

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: May 28, 1998

Use in Commerce: May 28, 1998

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No



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Mark: MONTECRISTO

# MONTECRISTO

US Serial Number: 85452217

Application Filing Date: Oct. 20, 2011

US Registration Number: 4260181

Registration Date: Dec. 18, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 18, 2012

Publication Date: Oct. 02, 2012

## Mark Information

Mark Literal Elements: MONTECRISTO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US [2236889](#)

Registrations:

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Watches

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 01, 2011

Use in Commerce: Aug. 01, 2011

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: CUBAN CIGAR BRANDS B.V.

Owner Address: 5900 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA 33309  
UNITED STATES

Legal Entity Type: PRIVATE LTD. CO.

State or Country Where Organized: CURACAO

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Charles W. Grimes

**Correspondent**

Correspondent CHARLES W. GRIMES  
 Name/Address: GRIMES & BATTERSBY, LLC  
 488 MAIN AVE STE 3  
 NORWALK, CONNECTICUT 06851-1008  
 UNITED STATES

Phone: 203-849-8300

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 27, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 18, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 02, 2012	PUBLISHED FOR OPPOSITION	
Sep. 12, 2012	NOTICE OF PUBLICATION	
Aug. 30, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Aug. 27, 2012	ASSIGNED TO LIE	70884
Aug. 16, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 14, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 14, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 14, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 14, 2012	NON-FINAL ACTION MAILED	
Feb. 13, 2012	NON-FINAL ACTION WRITTEN	78449
Feb. 07, 2012	ASSIGNED TO EXAMINER	78449
Oct. 25, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 24, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 18, 2012

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